

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PHILLIP B. ASHDOWN,)	3:11-cv-00832-LRH (WGC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	April 27, 2012
)	
PRISON HEALTH SERVICES, et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

On March 23, 2012, Plaintiff filed a Motion for Re-Submission of Subpoenas for Medical Records. (Doc. # 41). Plaintiff requests the immediate filing of three subpoenas so that he may use the information in his reply in support of his Motion for Temporary Restraining Order. (*Id.*)

Plaintiff filed his reply on April 11, 2012. (Doc. # 47.) Therefore, it appears Plaintiff's request is moot. In addition, the Ninth Circuit has recognized that "28 U.S.C. § 1915, the *in forma pauperis* statute, does not waive payment of fees or expenses for witnesses." *Dixon v. Yist*, 990 F.2d 478, 480 (9th Cir. 1993) (citing *Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989)). If Plaintiff wishes to subpoena documents, he must demonstrate that he is able to advance the witness fees. Plaintiff is directed to review Federal Rule of Civil Procedure 45. Accordingly, Plaintiff's motion (Doc. # 41) is **DENIED**.

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk